

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

CIVIL DIVISION

CASE NO: 19-6869 CA 15

DR. JAMES ERIC MCDONOUGH,

Plaintiff(s),

vs.

CITY OF HOMESTEAD, a Florida
Municipal Corporation,

Defendant(s).

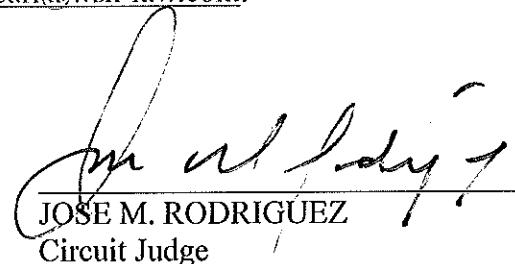
/

NOTICE OF EMAILING

The Court hereby emails to all parties courtesy copy of Alternative Writ in Mandamus.

Certificate of Service

A true and correct copy of this Alternative Writ in Mandamus was emailed on this 13th day of March, 2019 to: Dr. James Eric McDonough at Phd2B05@gmail.com; City of Homestead, City Clerk, Elizabeth Sewell, Esq. at esewell@cityofhomestead.com; City of Homestead, City Attorney, Matthew J. Pearl, Esq. at mpearl@wsh-law.com.


JOSE M. RODRIGUEZ
Circuit Judge

Copies Furnished to:
All parties

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN AND
FOR MIAMI DADE COUNTY, FLORIDA

GENERAL JURISDICTION DIVISION

DR. JAMES ERIC MCDONOUGH,

CASE NO. 19-6869 CA 15

Plaintiff,

v.

CITY OF HOMESTEAD, a Florida Municipal
Corporation,

Defendant.

ALTERNATIVE WRIT IN MANDAMUS

TO: ELIZABETH SEWELL, MMC, City Clerk, City of Homestead City Hall, Office of the
City Clerk, 100 Civic Court, Homestead, Florida 33030.

On March 12, 2019, Dr. James Eric McDonough ("Plaintiff") filed an Amended Complaint against the City of Homestead ("City" or "Defendant-City"). In the Amended Complaint, the Plaintiff alleges that he requested records pursuant to Chapter 119, Florida Statutes, by emailing the request to the City's Clerk on February 18, 2019 (Am. Pet. ¶ 6 & Ex. A). The Plaintiff alleges that section 119.07(1)(a), Florida Statutes, imposes a "non-discretionary and statutory duty" upon the City to "permit inspection and copying of public records" (Am. Pet. ¶ 15). According to the Plaintiff, he possesses the right to receive non-exempt public records under article I, section 24, Florida Constitution and the Public Records Act, and that the instant records do not qualify as "exempt from disclosure." *Id.* at ¶¶ 16-17. As alleged by the Plaintiff, the Defendant-City acknowledged his records request on February 19, 2019 but did not provide the requested records until March 11, 2019. *Id.* at ¶¶ 7 & 10 & Exs. B & D.

YOU ARE COMMANDED to serve written defenses to the Amended Complaint upon the Plaintiff, Dr. James McDonough at 32320 SW 199th Avenue, Homestead, Florida 33030, within 20 days after being served with this alternative writ. See Fla. R. Civ. P. 1.140(a)(1) & 1.630(e). After the Defendant-City files its responsive pleading, the Court will schedule an immediate hearing as required by section 119.11(1), Florida Statutes.

DONE and ORDERED in Miami-Dade County, Florida on March 13, 2019.

MAY 13, 2019, CIRCUIT COURT OF MIAMI-DADE

I hereby certify that the foregoing is a true and
correct copy of the original on file in this
office. AD

MARVELYN RIVAS, CLERK
Clerk and County Comptroller

MARVELYN RIVAS

MARVELYN R